

REMARKS**I. Status of the Claims:**

Claims 12-16, 18-20 and 22-25 are currently pending.

By this Amendment, claims 18, 19 and 20 have been amended, claims 22-25 have been canceled without prejudice or disclaimer and new claims 26-30 have been added. No new matter has been introduced by this Amendment.

II. Rejections Under 35 U.S.C. §103:

In the Office Action, the Examiner has rejected claims 12-13, 15, 18-20, and 22-25 under 35 U.S.C. § 103(a) as being unpatentable over Ishibashi et al. (U.S. Pat. No. 6,374,291, hereafter Ishibashi) in view of Okutomi et al. (U.S. Pat. No. 6,211,972, hereafter Okutomi). Additionally, claims 14 and 16 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Ishibashi in view of Okutomi, and further in view of Bobo, II (U.S. Pat. No. 5,675,507, hereafter Bobo).

In the Office Action, the Examiner states that Ishibashi discloses each and every element as set forth in claims 12-13, 15, 18-20, and 22-25, except for the newly recited control means of the present invention. However, the Examiner relies on Okutomi for teaching or suggesting the claimed control means.

Accordingly, the Applicants have herein amended independent claims 12, 18, 19 and 20 to more clearly distinguish the present invention over the prior art of record and to expedite prosecution of the application. In particular, the above claims have been amended to more clearly point out that the communication apparatus of the present invention includes a control unit that is markedly different from anything disclosed in the prior art of record. The control unit

of the present invention is configured to cause the notification unit not to perform notification operations.

Conversely, neither Ishibashi, Okutomi nor Bobo teach or suggest a communication apparatus with such a notification unit. Accordingly, if one of ordinary skill in the art were to combine the teachings of Ishibashi, Okutomi and Bobo, the combination still would not teach or suggest all the features recited in the claims as amended.

Moreover, newly added independent claim 30 is also believed to be distinguishable over the prior art of record. Claim 30 is consistent with the ninth embodiment of the present invention discussed on page 42 of the specification. This embodiment of the present invention is directed to transmitting facsimile information via different means depending on the cost of the transmission. The prior art of record does not teach or suggest this feature.

CONCLUSION

Based on the foregoing amendments and remarks, Applicants respectfully request reconsideration and withdrawal of the rejection of claims and allowance of this application.

AUTHORIZATION

The Commissioner is hereby authorized to charge any additional fees which may be required for consideration of this Amendment to Deposit Account No. 13-4500, Order No. 1232-4467.

In the event that an extension of time is required, or which may be required in addition to that requested in a petition for an extension of time, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to Deposit Account No. 13-4500, Order No. 1232-4467.

Respectfully submitted,
MORGAN & FINNEGAN, L.L.P.

Dated: July 23, 2004

By: 

Brian W. Brown
Registration No. 47,265
(202) 857-7887 Telephone
(202) 857-7929 Facsimile

Correspondence Address:

MORGAN & FINNEGAN, L.L.P.
345 Park Avenue
New York, NY 10154-0053